

REMARKS

The claims are set forth as amended in the Response filed 29 June 2010. No further amendments are proposed.

In the Advisory Action, all of the outstanding rejections were considered to be withdrawn in light of the proposed amendment; however, entry was refused because of asserted new issues based on WO03/026661. As this document is in Japanese, it is assumed that the Examiner refers to Tables 6-12 and 14-18 which exemplify particular compounds.

Applicants have reviewed these tables and believe the claims as amended are free of this art.

It should be noted that R^2 must be present in the phenyl group that is directly linked to the pyrimidine in formula (V). R^2 is selected from OH, C_{1-6} alkylOH, OC_{2-6} alkylOH, C_{1-6} alkylNR⁸R⁹, OC_{2-6} alkylNR⁸R⁹, C_{1-6} alkylNR⁸COR⁹, OC_{2-6} alkylNR⁸COR⁹, C_{1-6} alkylhetaryl, OC_{2-6} alkylhetaryl, $OCONR^8R^9$, NR^8COOR^9 , $NR^{10}CONR^8R^9$, $CONR^8R^9$, and NR^8COR^{12} .

Q must be present and is C_{1-4} alkyl.

W must be present. W does not include H; and W is defined as being selected from C_{1-4} alkyl, and C_{2-6} alkenyl; where C_{1-4} alkyl or C_{2-6} alkenyl may be optionally substituted with C_{1-4} alkyl, OH, OC_{1-4} alkyl, or $NR^{15}R^{16}$.

A, which is an optionally substituted aryl or hetaryl must also be present. Keeping these requirements in mind, in Table 6, only compounds 7, 8, 9, 10 and 20 contain embodiments in R^{31} that correspond to permissible definitions of R^2 . Compounds 7-10 are excluded, however, because the phenyl group, corresponding to A in formula (V) is attached directly to the nitrogen — *i.e.*, Q is absent. In compound 20, W is absent. Thus, no compounds in Table 6 match formula (V).

The compounds in Tables 7 and 8 are immediately excluded because A is missing.

In Table 9, all of the compounds are excluded because R^2 is missing; the phenyl directly attached to the pyrimidine ring contains only a bromo substituent.

Similarly, in Table 10, there is no substituent corresponding to R^2 that is substituted on the directly attached phenyl group.

In Table 11, none of the substituents in R^{31} fits the definition of R^2 .

In Table 12, again, R^2 is missing as a substituent in R^{31} .

In Table 14, A is missing in all embodiments except A1-A21 and A127-147. None of these compounds have W present; none of them have an R^2 substituent in R^{31} .

In Table 15 it is apparent from the formula that R^2 is absent and a review of the R^{35} substituents reveals that W is absent as well.

Table 16 does not permit R^2 in the formula shown, nor is W present in the formula shown.

In Table 17, W is consistently absent and when R^{31} is phenyl directly attached to the pyrimidine, R^2 is absent.

Table 18 does not contain R^2 in the directly substituted phenyl, nor does it include W.

The Examiner is, of course, expected to review the WO 03/026661 specification himself, but perhaps these observations will be helpful.

In view of the failure of the newly cited document to anticipate or suggest the compounds of the invention, the claims directed to compounds should be in a position for allowance. Applicants request that withdrawn claims 15-20 be rejoined and claims 10-12 and 14-24 be passed to issue.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket No. 415852000200.

Respectfully submitted,

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